

SECTION '2' – Applications meriting special consideration

Application No : 17/04948/PLUD

Ward:
Cray Valley East

Address : Land Opposite Econ House Old Maidstone
Road Sidcup

OS Grid Ref: E: 548787 N: 170200

Applicant : Mr David Cheriton

Objections : NO

Description of Development:

Lawful Development Certificate for part retrospective application for re-surfacing of yard area with concrete

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 20

Proposal

A Certificate of Lawfulness application has been submitted in respect of development proposed under Class J, Schedule 2, Part 7 of the Town and Country General Permitted Development Order 2015 for the resurfacing of the yard area with concrete.

Members are advised that permission is also sought for the construction of a sleeper wall and metal post security fence under ref: 17/04741/FULL1 for which there is a separate report on this agenda.

Location and Key Constraints

The site is located on the south-western side of Old Maidstone Road, opposite Econ House, which is also in the applicant's ownership.

The site faces the road which is made up predominately of detached bungalows located on plots that adjoin the B2171 Old Maidstone Road and Maidstone Road, although the houses themselves front Old Maidstone Road.

The site falls within the Green Belt.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

None were requested.

Policy Context

The application falls to be considered in respect of whether the development can lawfully be carried out under Class J of Schedule 2 Part 7 of the Town and Country Planning General Permitted Development Order 2015.

Members are advised that as this is a lawful development certificate application, the Council cannot consider the planning merits of the proposal but must determine whether the development is lawful or not.

Planning History

85/01130/FUL - Planning permission was granted for the field between Old Maidstone Road and the New By-Pass Disposal of Sub-Soil in connection with the construction of the A20 trunk road and restoration of the land for agricultural purpose (Section 32 Application).

12/01293/ELUD - Certificate of Lawfulness was approved for the use of land and building for the storage of furniture, bricks, window frames, container lorry trailers and portable building.

14/04870/FULL1 - Planning permission was refused for the use of land as a waste transfer station and recycling facility involving minor change of land levels, the erection of a facilitative building, associated plant, site office, and provision of car parking and associated landscaping.

16/03973/ELUD - Certificate of lawful use was refused for the use of site for over 10 years for the operation of crushing and screening brick, concrete, hard core, wood, metal and other inert demolition waste for refuse and recycling.

17/02506/DEMCON - Prior Notification was granted for demolition of existing single storey storage building (Consultation under Class B of the Schedule 2, Part 11 of the Town and Country General Permitted Development Order 2015).

Consideration

Class J 'permitted development' is for the provision of hard surfaces for industrial and warehouse premises and allows development consisting of—

- (a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or
- (b) the replacement in whole or in part of such a surface.

Development is not permitted by Class J if the development would be within the curtilage of a listed building.

Development is only permitted by Class J subject to the following conditions—

- (a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and
- (b) in all other cases, either—
 - (i) the hard surface is made of porous materials, or
 - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

The yard was previously surfaced in crushed stone/hardcore. The applicants proposed to strip back the existing hardcore surface and for it to be filled with a base of crushed concrete and a layer of Type 1 sub-base aggregate prior to being re-surfaced with a wearing course of concrete.

The proposed hard concrete is a non-porous surface and there is an existing surface water drain at the site entrance towards which the site slopes and therefore directs run-off water. The position of the drain is shown on the plan No. 3988 (Drainage Plan).

Conclusion

Given all of the above it is considered that the development as set out above would fall within Class J of Schedule 2 Part 7 of the Town and Country Planning General Permitted Development Order 2015 and would be lawful 'permitted development' and as such a certificate should be granted.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

As amended by documents received on 04.01.2018

RECOMMENDATION: CERTIFICATE BE GRANTED

1. The proposal as submitted would constitute permitted development by virtue of Class J of Schedule 2 Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015.